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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,936	11/13/2003	Axel Andersson	027651-145	6572
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			EXAMINER REFAI, RAMSEY	
			ART UNIT 3627	PAPER NUMBER
			NOTIFICATION DATE 10/04/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com
debra.hawkins@bipc.com

Office Action Summary

Application No.

10/705,936

Applicant(s)

ANDERSSON ET AL.

Examiner

Ramsey Refai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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DETAILED ACTION

Responsive to claims filed November 13, 2003. Claims 1-12 are presented for examination.

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Sweden on November 14, 2002. It is noted, however, that applicant has not filed a certified copy of the SE0203368-6 application as required by 35 U.S.C. 119(b).

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 8-12 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims are directed to a *database structure*.

Programs/Software per se is not one of the four statutory classes of invention and the claims are therefore not limited to statutory subject matter.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

5. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1:

the preamble (A method of *tracking in production in a plant for liquids*) is indefinite because it is incomprehensible;

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the limitations “ *each production unit* ” , “ *each material quantity* ” , “ *each event* ” , “ *the production* ” lacks proper antecedence;

the limitation “ *identify a transport partly from a source with reference to the unit identity of the source and/or partly to a destination with reference to the unit identity of the destination* ” is indefinite because it is also incomprehensible.

In claims 2-7:

the following limitations lack proper antecedent basis: “ the identities ” , “ the material quantities ” , “ a material quantity ” , “ an event ” , “ material flow ” , “ a plant ” , “ a production unit ” , “ said material quantity identity ” .

In claim 8:

the following limitations lack proper antecedent basis: “ the flowable material ” , “ each production unit ” , “ each quantity ” .

Claims that depend on the above rejected claims are also rejected for similar reasons.

Claim Rejections – 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Baird (US Patent No 7,062,262).

8. As per claim 1, Baird teaches a method of tracking in production in a plant for liquid foods, comprising:

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allocating each production unit in the plant a unit identity which is registered and which constitutes a source and/or a destination (column 2, lines 12-23, 56-60, column 1, lines 40-60; products are given an identifier for tracking);

allocating each material quantity in the production a work identity which is registered (column 1, line 40-column 2, lines 23; each input ingredient/process is given an identifier); and

registering each event in the plant with a work identity to identify a transport partly from a source with reference to the unit identity of the source and/or partly to a destination with reference to the unit identity of the destination (column 1, line 40-column 2, lines 23, column 2, lines 56-61, column 4, lines 14-50).

9. As per claim 2, Baird teaches wherein the identities are registered in a specifically adapted database (fig 1, 140; central database).

10. As per claim 3, Baird teaches wherein the material quantities are determined by a certain product, by a certain volume and/or a quantity (column 2, lines 12-23).

11. As per claim 4, Baird teaches wherein the identities include a number of figures, letters and/or a combination of figures and letters (column 3, lines 18-23).

12. As per claim 5, Baird teaches wherein a material quantity changes identity preceded by an event (column 2, lines 4-24, column 5, lines 15-40).

13. As per claim 6, Baird teaches wherein events and material flow in a plant are illustrated in a user interface using a tree structure (column 6, lines 45-65, fig 1).

14. As per claim 7, Baird teaches wherein a material quantity identity includes washing of a production unit, said material quantity identity having no source and no destination (column 1, line 61-column 2, line 3; process, column 3, lines 5-10).

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Claim Rejections – 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baird (US Patent No 7,062,262).

17. As per claim 8, Baird teaches a database structure for tracking production of *food product* to be packaged into containers within a plant, comprising:

a production unit identity for each production unit to be monitored with respect to the material, wherein each production unit can constitute a source and/or a destination of the *food product* (column 2, lines 12-23, 56-60, column 1, lines 40-60; products are given an identifier for tracking);

a material quantity work identity for each quantity of the *food product*, wherein a separate material quantity work identity is registered to a partial quantity of the *food product* (column 1, line 40-column 2, lines 23; each input ingredient/process is given an identifier); and

a table for registering the production unit which serves as a partial source and/or destination of the *food product* to a material quantity identity work representing the partial quantity of the *food product* transported by the production unit (column 1, line 40-column 2, lines 23, column 2, lines 56-61, column 4, lines 14-50).

Baird does not explicitly teach that the food product is a flowable liquid. However it is well known that food products can be flowable liquid and that flowable liquid foods can contain ingredients from multiple sources. It would have therefore been obvious to one of ordinary skill

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in the art to implement Baird's system for flowable liquids in order to provide tracking of elements in a production chain for flowable liquid foods.

18. As per claim 9, Baird teaches wherein the database structure is stored in a computer readable medium (column 5, lines 43-44, fig 1, 140; central information store located in network).

19. As per claim 10, Baird teaches wherein the material quantity work identity represents an identified quantity of a certain flowable liquid (column 2, lines 12-23).

20. As per claim 11, Baird teaches wherein the production unit is at least one of a liquid transport line and a holding tank used for batch processing prior to filling product containers (column 1, lines 64-column 2, line 31).

21. As per claim 12, Baird teaches wherein at least one material quantity work identity in the database structure represents a first liquid for human consumption (column 1, lines 4-15; food), and at least one additional material quantity work identity in the database structure represents a second liquid used to wash a production unit involved in transport of the first liquid (column 1, line 61-column 2, line 3; processes).

Conclusion

The prior art made of record and not relied upon, which is considered pertinent to applicant's disclosure, are cited in the Notice of Reference Cited form (PTO-892).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Refai whose telephone number is (571) 272-3975. The examiner can normally be reached on M-F 8:30 - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ramsey Refai
Examiner
Art Unit 3627
September 26, 2007
/RR/

R. Zeender 7/26/07
FRYAN ZEENDER
SUPERVISORY PATENT EXAMINER